

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIELLE McKAY and BRIDGET A.
HENSEL,

Civil Action No.

JURY TRIAL DEMANDED

Plaintiffs,

v.

ANTHONY McKAY, OFFICER DAVID
M. SISAK, OFFICER PETER
BECHTOLD, OFFICER SCOTT
BOBAK, OFFICER DAVID
SPINNEWEBBER, and THE CITY OF
PITTSBURGH,

Defendants.

NOTICE OF REMOVAL

Officer David M. Sisak, Officer Peter Bechtold, Officer Scott Bobak, Officer David Spinneweber, and the City of Pittsburgh, defendants, pursuant to 28 U.S.C. §§ 1441 and 1446, file this Notice of Removal of the above-described action to the United States District Court for the Western District of Pennsylvania from the Court of Common Pleas of Allegheny County, Pennsylvania, where the action is now pending, and states:

1. This cause was commenced by a filing of a praecipe for a writ of summons in the Court of Common Pleas of Allegheny County (CCPAC) on May 29, 2015.

2. On April 21, 2016, plaintiff filed a complaint in the CCPAC. A copy of the complaint is attached as Exhibit 1. The Complaint was served, by First Class US Mail, upon the City by mail the same date as its filing. It was received by Defendant, The City, on April 22, 2016

3. A review of the complaint indicates that this action is a civil action directed toward defendants and based upon: (I) denial of rights, privileges, and immunities; (II) alleged

conspiracy to deprive plaintiffs of rights, privileges, immunities; (III) alleged false arrest; and (IV) alleged malicious prosecution. This Court has jurisdiction under 28 U.S.C. § 1331 by reason of the implication of federal law.

4. The matter in dispute arises under the Constitution and laws of the United States, as the United States Constitution, 42 U.S.C. § 1983 and 42 U.S.C. § 1985(3) are the underlying laws within the counts.

5. Written notice will be given today to the plaintiffs of the filing of this notice, as required by 28 U.S.C. § 1446(d).

6. A copy of this notice will be filed today with the clerk of the Court of Common Pleas of Allegheny County, as required by 28 U.S.C. § 1446(d).

7. On May 2, 2016, Attorney Kennedy spoke with Defendant Anthony McKay. Defendant McKay consents to the removal to Federal Court.

8. These Defendants are demanding a jury trial.

WHEREFORE, Defendants request that this action proceed in this Court as an action properly removed to it, in accordance with 28 U.S.C. §§ 1441 and 1446.

Respectfully Submitted,

/s/ A. Bryan Campbell

A. Bryan Campbell, Esquire
Pa. I.D. No. 15079

330 Grant Street, Suite 2620
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(412) 642-7667

*Counsel for Defendants David M. Sisak,
Peter Bechtold, Scott Bobak, and David
Spinneweber*

s/ Michael E. Kennedy

Michael E. Kennedy, Associate City Solicitor
Pa. I.D. No. 52780

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414 Grant Street
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Counsel for Defendant City of Pittsburgh

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2016, a true and correct copy of *Officer David M. Sisak, Officer Peter Bechtold, Officer Scott Bobak, Officer David Spinneweber and the City of Pittsburgh's Notice of Removal* was served via U.S. Mail, first class, postage prepaid, to:

William F. Goodrich
3634 California Ave.
Pittsburgh, PA 15212
(Counsel for Plaintiffs)

Anthony McKay
1221 Oakleaf Drive
Pittsburgh PA 15207
(Co-Defendant)

s/ Michael E. Kennedy

Michael E. Kennedy
Associate City Solicitor

/s/ A. Bryan Campbell

A. Bryan Campbell, Esquire